



## Massachusetts Department of Environmental Protection

Bureau of Waste Prevention – Air Quality

LPA FUEL & LPA PROCESS (BWP AQ 01)

CPA FUEL, CPA PROCESS & CPA CREMATORY (Non-Major, BWP AQ 02)

CPA FUEL & CPA PROCESS (Major, BWP AQ 03)

## Instructions & Supporting Materials

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### Introduction

MassDEP *Air Quality Plan Applications* and *Instructions & Supporting Materials* are available for download from the MassDEP web site file formats: Microsoft Word™ and Adobe Acrobat PDF™. Either format allows documents to be printed.

*Instructions & Supporting Materials* files in Microsoft Word™ format provide guidance on how to prepare an Air Quality Plan Application.

*Air Quality Plan Applications* in Microsoft Word™ format must be downloaded separately. Users with Microsoft Word™ 97 or later may complete these forms electronically.

*Air Quality Plan Application* packages in Adobe Acrobat PDF™ format combine *Plan Applications* and *Instructions & Supporting Materials* in a single document. Adobe Acrobat PDF™ files may only be viewed and printed without alteration. *Air Quality Plan Applications* in this format may not be completed electronically.

### Frequently Asked Questions

#### What is the purpose of a Plan Approval?

MassDEP issues an approval of a Limited Plan Application (LPA) or Comprehensive Plan Application (CPA) (a Plan Approval) to limit increases in air contaminant emissions and protect public health, welfare and the environment. A plan application is required if you are proposing construction, substantial reconstruction, or alteration of a facility that has the potential to cause or contribute to a condition of air pollution. You must receive a written Air Quality Plan Approval from MassDEP before starting construction or installation of the emission unit(s) proposed in your plan application.

Regulations 310 CMR 7.02(1), 7.02(3), 7.02(4), 7.02(5), 7.02(6) and 7.02(8) provide the regulatory authority and the provisions you need to meet in order to obtain a written Plan Approval, as applicable, from MassDEP. The Legislature authorized these regulations in M.G.L. Chapter 111, Section 142 A - J. See the Plan Approval Overview & Applicability Tables for additional information. See: <http://www.mass.gov/eea/agencies/massdep/air/regulations/310-cmr-7-00-air-pollution-control-regulation.html>

#### Who must apply?

For specific information on when an application must be submitted for an Air Quality Plan Approval, see the Plan Approval Overview & Applicability Tables document on the MassDEP web site for additional information or refer to the regulations at 310 CMR 7.02(4) and 7.02(5). Please also see exemptions at 310 CMR 7.02(2), Permit-by-Rule categories at 310 CMR 7.03, and Environmental Results Program (ERP) compliance certifications in lieu of written Plan Approval at 310 CMR 7.26.



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**Note:** You should contact the appropriate MassDEP Regional Office early in the process of preparing to apply for a Plan Approval. A pre-application conference can save you time, spare you frustration, and often results in faster processing by the agency. If you submit an application without scheduling such a meeting, MassDEP may require one, anyway, before it can determine whether your application is administratively complete. Find Your Region:

<http://www.mass.gov/eea/agencies/massdep/about/contacts/>

#### What other requirements should be considered when applying for a Plan Approval?

- Carefully examine the Massachusetts Environmental Policy Act (MEPA) Regulations (301 CMR 11.00) to determine if your proposed project exceeds MEPA review thresholds. MassDEP cannot complete technical review of the plan application until the MEPA process has been concluded. Copies of MEPA filings (with reference to any applicable Transmittal numbers) should be sent to the appropriate MassDEP program offices in Boston and the MEPA Coordinator in the appropriate Regional Office. Contact the MEPA Unit of the Executive Office of Energy & Environmental Affairs at 617-727-5830 for additional information.
- Must the proposed project be approved by the Energy Facilities Siting Board (EFSB) (M.G.L. Chapter 164, 980 CMR 1.00-11.00)?
- Does the proposed project meet the criteria established in 310 CMR 7.02(6) Aggregating Emissions?
- Is the proposed project subject to New Source Performance Standards (40 CFR 60) or National Emission Standards for Hazardous Air Pollutants (40 CFR 61 and 63)?
- If you are submitting a Major Comprehensive Plan Application, MassDEP requires that you include ambient air quality modeling with your plan application. The agency may also require modeling for other projects. If ambient air quality modeling is required for your project, you must submit a copy to:

MassDEP Air and Climate Programs  
Attention: Glenn Pacheco  
7<sup>th</sup> Floor  
1 Winter Street  
Boston, MA 02108

See the MassDEP Modeling Guidance for Significant Stationary Sources of Air Pollution.

- If the proposed project triggers Prevention of Significant Deterioration (PSD) review pursuant to federal regulations 40 CFR Part 52 section 52.21 implemented by MassDEP, we will work with you to identify and satisfy additional application and notification requirements.
- If the proposed project is required to be approved under 310 CMR 7.00: Appendix A, the facility will need to obtain offset emissions and demonstrate compliance with the Lowest Achievable Emission Rate (LAER) requirement.
- If your project requires a site assignment under M.G.L. Chapter 111, Section 150A, M.G.L. Chapter 111 Section 150B or M.G.L. Chapter 21D, MassDEP cannot issue a Plan Approval until you have obtained it.



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**Note:** This list is intended to serve as a guide and may not necessarily include all additional requirements.

#### What is the application fee?

Permit Code BWP AQ 01 \$645

**Limited Plan Application**

LPA FUEL

LPA PROCESS

Permit Code BWP AQ 02 \$2,370

**Non-Major Comprehensive Plan Application**

CPA FUEL

CPA PROCESS

CPA CREMATORY

Permit Code BWP AQ 03 \$24,305

**Major Comprehensive Plan Application**

CPA FUEL

CPA PROCESS

#### Where do I send my completed plan application?

Your completed plan application, along with any supplemental or pollution control device forms that may be required, must be submitted **in duplicate and electronically**<sup>1</sup> to the appropriate MassDEP Regional Office for review and, if merited, approval. Find your Regional Office:

<http://www.mass.gov/eea/agencies/massdep/about/contacts/>

Upon approval, MassDEP will stamp the second copy of the plan application and return it to you so both you and the agency will have identical copies of the Plan Approval. If the application is subject to a federally mandated public comment period, pursuant to 40 CFR Part 52 section 52.21 (PSD) or 310 CMR 7.00 Appendix A (Non-Attainment Review), you will be required to submit a copy of the entire application (with any revisions) to EPA.

#### Where can I get a copy of the review timelines?

The timelines are available at:

<http://www.mass.gov/eea/agencies/massdep/service/approvals/timely-action-fees-and-payments.html>

#### What is the annual compliance fee?

The annual compliance assurance fee is dependent on the facility-wide potential emissions. Please consult 310 CMR 4.03 (Table 4.03) for more information. If you fail to pay the annual compliance fee, your Plan Approval could be suspended or revoked.

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<sup>1</sup> Attach a searchable PDF copy of the entire application package to an e-mail addressed to the BWP permit chief provided it does not exceed 5 Mb. For PDF's larger than 5 Mb, submit a copy of the entire application package on compact disc.



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#### How long does a Plan Approval remain in effect?

A Plan Approval is in effect for the useful life of the approved emission unit(s) even if there is a change in ownership, or until the project approved by this action is substantially reconstructed or altered or if MassDEP determines that air contaminant emission reductions beyond those contained in the issued Plan Approval are necessary, at which time a new approval will be required.

#### How can I avoid the most common mistakes made in applying for this Plan Approval?

- Answer all questions on each required form or indicate "N/A" (not applicable) where appropriate.
- Submit additional pages of technical information and additional tables, as needed with each required Form you submit.
- Submit two copies of the application to the regional office for review.
- Make sure a Professional Engineer registered in Massachusetts signs and stamps the application (Comprehensive Plan Application, 310 CMR 7.02(5)(c)), providing his/her registration number and field of concentration. See: <http://www.mass.gov/eea/agencies/massdep/air/regulations/310-cmr-7-00-air-pollution-control-regulation.html>
- Submit a "sign off" from any other agency necessary prior to the submittal of an application. For example, MEPA, the Massachusetts Historical Commission, MDPU, EFSB, etc.
- Submit the proper fee and one copy of the MassDEP Transmittal Form (including the correct Permit Code) to:

Department of Environmental Protection  
P. O. Box 4062  
Boston, MA 02211

#### What are the regulations that apply to these Plan Approvals? Where can I get copies?

These regulations include, but are not limited to:

- Air Pollution Control Regulations, 310 CMR 6.00 to 8.00.
- Timely Action & Fee Provisions, 310 CMR 4.00.
- Administrative Penalty Regulations, 310 CMR 5.00.

Copies of these regulations may be purchased from:

State House Bookstore  
State House, Room 116  
Boston, MA 02133  
617-727-2834

State House West Bookstore  
436 Dwight Street  
Springfield, MA 01103  
413-784-1376



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#### Application Completeness Checklist

- ☐ Complete the Transmittal Form:  
<http://www.mass.gov/eea/agencies/massdep/service/approvals/transmittal-form-for-payment.html>
- ☐ Complete each applicable Form.
- ☐ Answer all questions (or insert N/A where appropriate).
- ☐ Attach additional pages of technical information, as needed, to each applicable Form.
- ☐ The appropriate responsible official has signed the application, even if you hired an agent/consultant to complete the application. See definitions at:  
<http://www.mass.gov/eea/agencies/massdep/air/regulations/310-cmr-7-00-air-pollution-control-regulation.html>
- ☐ A copy of the Massachusetts Environmental Policy Act (MEPA) "sign off" is attached if you were required to submit an Environmental Notification Form (ENF) and/or an Environmental Impact Review (EIR). See the MEPA regulations at 301 CMR 11.00. MassDEP cannot issue the Plan Approval until MEPA certification is obtained.

#### Additional Checklist for CPA FUEL, CPA PROCESS & CPA CREMATORY Forms:

- ☐ A Professional Engineer registered in Massachusetts has attested to the accuracy of the submitted information, signed the application, and imprinted his/her seal on it.
- ☐ If required, a copy of the Energy Facility Siting Board (EFSB) letter approving the project is attached. MassDEP cannot issue a Plan Approval without this, if required.

#### To submit the application package:

- ☐ Be sure that all applicable checklist items have been completed.
- ☐ Send two copies of the fully completed application package along with two copies of the MassDEP Transmittal form to:

Department of Environmental Protection

\_\_\_\_\_\* Regional Office

Air Quality Control

\*Find your region: <http://www.mass.gov/eea/agencies/massdep/about/contacts/>

Send a searchable PDF copy of the entire application package via e-mail, provided it does not exceed 5 Mb. For PDF's larger than 5 Mb, submit a copy of the entire application package on compact disc.



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- ☐ Submit the appropriate fee (ensuring that the correct Permit Code is included on the Transmittal Form):

\$645 - LPA FUEL or LPA PROCESS (Permit Code BWP AQ 01)

\$2,370 - CPA FUEL or CPA PROCESS or CPA CREMATORY (Non-Major, BWP AQ 02)

\$24,305 - CPA FUEL or CPA PROCESS (Major, BWP AQ 03)

Mail payment in the form of a check or money order made payable to Commonwealth of Massachusetts, along with one copy of the MassDEP Transmittal Form, to:

Department of Environmental Protection

P.O. Box 4062

Boston, MA 02211